

OU-2. EPA approved the RA Report on February 26, 1997.

On April 6, 1998 an Explanation of Significant Difference (ESD) for the OU-2 ROD was finalized. The ESD clarifies the OU-2 ROD to indicate that the ground water remedy, based on four consistent monitoring events with no detectable PCBs, had attained its performance goal of 0.5 ppb. On this basis, no further ground water monitoring or contingent remedial activities are required.

C. Cleanup Standards

The remedial action cleanup activities at the Yellow Water Road Dump Site are consistent with the objectives of the NCP and provide protection to human health and the Environment. The cleanup standards for soil PCBs are 10 mg/kg. The cleanup standards for PCBs in ground water are 0.5 ppb. All soil containing PCBs at concentrations greater than 10 mg/kg was excavated, treated via stabilization/solidification, placed in an on-site monolith, covered with one foot of clean soil and vegetated. Treated soil achieved performance standards of greater than 50 psi for compressive strength and less than 60 ug/l for total leachable PCBs (TCLP). Extensive confirmatory sampling verifies that the Site has achieved the cleanup standards for both soil and ground water and that performance standards were achieved or exceeded for treated soil.

D. Operation and Maintenance

The Operation, Maintenance and Monitoring Plan was approved by EPA on May 1, 1997. Ongoing operation, maintenance and monitoring activities include semi-annual inspections of the Site monolith to evaluate the presence of, or potential for, surface cover failures and/or intrusions including surface cracking, establishment of deep-rooted vegetation, animal burrow holes, wash-outs and soil erosion; assessment of Site fencing and vegetative cover inspection; and evaluation of the monolith integrity. Pursuant to the existing Consent Decree, the Yellow Water PRP Group has assumed all responsibility for O&M until the thirty year anniversary of the Consent Decree entry in 2026. Following this date, federal PRPs will conduct the O&M.

E. Five Year Review

Because treated waste will remain on site in the monolith, a five year review of this project is necessary to ensure continued protection of human health and the environment. The five year time frame begins with the date of remedial action mobilization to the Site which,

for this project, is May 9, 1996.

Therefore, the five year review should be completed prior to May 9, 2001 and will be conducted pursuant to OSWER Directive 9355.7-02, "Structure and Components of Five Year Reviews."

F. Community Involvement

EPA published its community Relations Plan in May 1990, after interviews with local residents and officials. An information repository was established at the Baldwin Town Hall and all of the documents used to make remedy decisions were placed there before the Records of Decisions were signed. Other community involvement activities included an on-site public meeting, routine publication of fact sheets at all important milestones during the project and ongoing direct communication with the public as the need for information arose.

G. Applicable Deletion Criteria

One of the three criteria for deletion specifies that responsible parties or other parties have implemented all appropriate response actions required. EPA, with concurrence of Florida Department of Environmental Protection, believes that this criterion for deletion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the deletion docket.

H. State Concurrence

EPA has consulted with the Florida Department of Environmental Protection (FDEP) in evaluating the Site for deletion. FDEP has concluded that activities at the Site have been completed in accordance with the site Records of Decision and the remedy is protective of human health and the environment.

Dated: November 30, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 441

[FRL-6209-1]

Notice of Data Availability; Effluent Limitations Guidelines and Pretreatment Standards for the Industrial Laundries Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: On December 17, 1997, EPA proposed pretreatment standards for pollutants discharged to publicly owned treatment works (62 FR 66181). This notice presents a summary of the data received since the proposal, and an assessment of the usefulness of the data in EPA's analyses; presents a modified technology option suggested by commenters; presents a modified no regulation option suggested by commenters; discusses a voluntary industry program, and discusses other specific issues raised by commenters including the methodology for the passthrough analysis. EPA solicits public comments regarding any of the information presented in this notice of data availability and the record supporting this notice.

DATES: Submit an original and three copies of your comments postmarked by February 8, 1999.

ADDRESSES: Submit comments to Ms. Marta E. Jordan at the following address: US EPA, Engineering and Analysis Division (4303), 401 M. St. SW, Washington, DC 20460.

The data and analyses being announced today are available for review in the EPA Water Docket at EPA Headquarters at Waterside Mall, room EB-57, 401 M. St. SW, Washington, DC 20460. For access to the docket materials, call (202) 260-3027 between 9:00 a.m. and 3:30 p.m. for an appointment. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For additional technical information, contact Ms. Marta E. Jordan at (202) 260-0817 or at the following e-mail address: Jordan.Marta@epa.gov. For information on economic information contact Mr. George Denning at (202) 260-7374 or at the following e-mail address: Denning.George@epa.gov.

SUPPLEMENTARY INFORMATION:

Contents of This Document

- I. Purpose of this Notice
- II. Data Acquired Since the Proposal
 - A. POTW Data
 - B. Industrial Laundry Data and Trade Association Voluntary Program
 - C. EPA Sampling Data From a Facility Operating Chemical Precipitation Treatment
 - D. Total Petroleum Hydrocarbons (TPH) Characterization Study Using Method

- 1664 and Gas Chromatography/Mass Spectroscopy (GC/MS)
- III. Results of Analyses of Proposed and Newly Acquired Data with Respect to Various Comment Issues
- A. New Data Related to Passthrough Analysis of Regulated Parameters Other Than TPH
- B. TPH (measured as SGT-HEM) as an Indicator
- IV. Analysis of Pretreatment Standards for Existing Sources (PSES) Options Identified in the Proposal
- A. Towel Only Option (Modified Heavy Option)
- B. Clean Room Items
- C. Summary of 1998 Data Collected by UTSA and TRSA
- V. Solicitation of Data and Comments
- A. Additional Data to Support Comments Received on the Proposed Rule
- B. Compliance Cost Estimates
- C. Treatment Performance Data
- D. Passthrough Analysis
- E. Volatile Organic Treatment Technologies Used at Industrial Laundries
- F. In-Process Pollution Prevention Activities
- G. Space Limitations and New Building Costs for Industrial Laundries
- H. Alternative Approach to "No Regulation" Option

I. Purpose of This Notice

On December 17, 1997 (62 FR 66181), EPA proposed regulations to reduce discharges to publicly owned treatment works of toxic, conventional, and nonconventional pollutants in wastewater from the industrial laundries industry. EPA has received numerous comments and data submissions concerning the proposal. In this notice, EPA is making these new data submissions available for comment and is providing discussion of the analyses performed relating to specific issues raised by commenters. EPA also solicits information and comments on a variety of other issues or questions.

II. Data Acquired Since the Proposal

Since proposal, EPA has obtained additional data and information from the industry, publicly owned treatment works (POTWs), and the Agency's continued data collection activities. The Agency has included these new data and information and the preliminary results of the evaluation of this data and information in Sections 14 through 22 of the supporting record of this notice for review by interested parties. The industry and POTW information and data submissions are related to cost of treatment, effluent pollutant levels after treatment, passthrough of pollutants at POTWs, and a presentation by the industry of a voluntary environmental stewardship and pollution prevention program. The new data collected by the

Agency include: performance data from a facility operating chemical precipitation technology and data identifying some of the major individual constituents of the Total Petroleum Hydrocarbon [TPH (measured as SGT-HEM)] parameter using Method 1664. The study identifying constituents of TPH relates to EPA's pass-through analysis and EPA's cost-effectiveness analysis.

EPA closed the comment period on March 19, 1998 for all aspects of the proposed rule except for treatment performance data. EPA received comments from approximately 300 commenters by the March 19 deadline. Some of the comments received on or before the March 19 deadline included data submissions.

In order to provide additional time for the generation of treatment performance data, EPA extended the deadline for comments on the proposed rule to April 20, 1998 for commenters who would be providing data which could be used in calculating limits. EPA received three comment submissions for the April 20 deadline, although none of the submissions contained performance data that could be used in calculating limits for either technology upon which the proposed rule was based. One of these submissions contained five days of POTW treatment performance data for TPH as measured by Method 1664. Other submissions received by EPA included comments on EPA's analytical sampling data validation procedures, an economic survey of the industry conducted by Uniform and Textile Service Association (UTSA) and Textile Rental Services Association (TRSA), and comments that some of the proposed limitations were too stringent.

EPA received several comments after the April 20 deadline; however, only one of these was a data submittal. This data submittal included 11 days of final effluent data from one industrial laundry for the conventional pollutants (oil and grease, total suspended solids, biochemical oxygen demand and pH). In addition to data submitted in comments and data collected by EPA, the trade associations conducted a survey to update treatment-in-place information contained in EPA's 1993 survey data base. The trade associations also developed and submitted to EPA for consideration as an alternative to regulation, a voluntary program for the industry. This voluntary program has five main components: (1) the establishment of industry-wide program goals; (2) a statement of environmental principles; (3) a menu of specific voluntary initiatives; (4) an

implementation plan; and (5) a system for assessing program performance.

Below are brief descriptions of each type of new data and the results of additional analyses of these data by the Agency, and a summary of the environmental voluntary program initiative submitted by the industry trade associations.

A. POTW Data

EPA received comment submittals from over 40 commenters pertaining to POTW data that relate to the passthrough analysis. These commenters included: individual POTWs, local control authorities, the Association of Metropolitan Sewerage Agencies (AMSA), the Association of Nonwoven Fabrics (INDA), the Uniform and Textile Service Association (UTSA) and the Textile Rental Services Association (TRSA). Individual POTWs primarily provided data related to the following subjects: the method used to measure TPH, estimated POTW percent removals, influent and effluent concentration values to be used in the calculation of POTW percent removals for the passthrough analysis, industrial laundry facility monitoring data, and local limits covering industrial laundry facilities. These data and results of any evaluations of these data are contained in Section 17 of the rulemaking record.

EPA's preliminary evaluation of the submitted POTW performance data indicates that the only data that may be usable were submitted by one of the local control authorities (Los Angeles County) and the industry trade associations (UTSA and TRSA). The Los Angeles County pretreatment control authority submitted five days of influent and effluent TPH data (measured as SGT-HEM) using Method 1664. However, only three of the days contained usable paired data for calculating TPH removals. Two of the days of data could not be used because one day had an effluent value greater than the influent value, and the other day did have a reported influent concentration. An additional limitation of the three paired data sets that were used to calculate the percent removal for TPH did not result in a precise estimate, but only a lower bound estimate. Because the effluent concentrations were below the method detection level, a percent removal could only be calculated as "greater than" some value. The greater than values ranged from 37.5 percent to 73.7 percent. For the purpose of this Notice, EPA used the daily data with the highest influent concentration, resulting in a percent removal estimate of 74 percent for the revised passthrough

evaluation discussed in Section III. This value for POTW removal of TPH is also used in the revised cost-effectiveness determination.

UTSA and TRSA provided the *Final Report of Updated Local Discharge Standards for the City of Portland, OR* as an attachment to their comments. Data in this report include historical POTW percent removals over the past 18 years for 15 metals, percent removals for 21 metals during a one-year sampling program, and influent and effluent data for 21 metals based on the one-year sampling program.

B. Industrial Laundry Data and Trade Association Voluntary Program

EPA received 65 data submittals from the industrial laundry and related industries to be considered for use in developing the final rule. These 65 data submittals were from 12 individual comment submittals. These comment submittals were from nine industrial laundry companies, the Uniform and Textile Service Association (UTSA), the Textile Rental Services Association (TRSA), the National Ship Building Association and the Association of American Railroads.

The data received included: effluent data, cost data, data presenting the constituents of TPH, data on the analytical variability of bis(2-ethylhexyl) phthalate, and data on local limits. The industrial laundries and the laundry trade associations also submitted reports and case studies to be considered in the development of the final rule. Reports and studies submitted by commenters ranged in content from data pertaining to the calculation of the toxic weighting factor for total petroleum hydrocarbons (TPH) to general economic and industry profiles for the industrial laundries industry. A general summary of the data submitted by commenters is presented in Section 17 (Memorandum: Review of Data Submitted on the Proposed Pretreatment Standards for Existing and New Sources for the Industrial Laundries Point Source Category (DCN L06041)) of the Industrial Laundries record. The data are contained in Section 14 of the rulemaking record.

EPA reviewed the effluent data submitted by industry and found that in many cases the commenter did not provide enough detail for EPA to use the data to revise its calculations of appropriate effluent limits. EPA currently does not expect to use the data if the following information was not included with the effluent data: the amount of production at the facility, the item mix, type of treatment technology, what portion of wastewater was being

treated, performance (influent and effluent concentrations) of the technology, and methods used for analyzing the reported pollutant parameters. EPA is continuing to evaluate whether any of this additional data can be used in evaluating treatment technology performance and solicits comment on this issue.

Cost data submitted by commenters included: general annual and capital costs for both chemical precipitation and DAF, the annual costs associated with treating 1,000 gallons of wastewater with DAF, analytical cost data, and the costs associated with the construction of a new building for an industrial laundry facility. In most cases the usefulness of this cost data is limited due to the lack of detail on the equipment covered by the costs and indirect costs included.

The industrial laundries associations (UTSA and TRSA) submitted a voluntary multi-media environmental stewardship and pollution prevention program in order to support the "no regulation" option. The centerpiece of the voluntary program is a series of initiatives seeking to achieve a reduction of up to 25 percent in industry water, energy, and washroom chemical usage (on a per pound of textiles laundered basis) by the year 2002. According to the trade associations, industrial laundries do not have direct control of a significant amount of toxic pollutants contained in industrial laundry wastewater, since these pollutants come primarily from their customers. The industry's direct control is related to water, energy, and washroom chemical use, thus the emphasis on voluntary control of these activities. The program would be initiated by UTSA and TRSA surveying the industry to develop a 1998 "benchmark" against which progress towards these reduction goals will be measured. In an effort to reduce further the amount of pollutants in industrial laundries wastewaters, the industry also would develop and implement a comprehensive customer pollution prevention outreach program. The industry is not in a position to project specific reduction goals from its customers at this time, but UTSA and TRSA would establish a baseline and measure the success of the outreach program in future years. EPA believes that goals setting a level of reduction of pollutants in the discharge are an important element of any such voluntary program.

UTSA and TRSA would guide implementation of the voluntary program. Because the membership of the two trade associations accounts for

over 90 percent of the sales generated by the laundry industry, leadership at the association level would help ensure significant participation from the industry as a whole. The proposed voluntary program would cover the entire laundry industry, not just the sectors included in the proposed pretreatment standards. The effort would be directed by an implementation committee established under the auspices of UTSA and TRSA and include representatives from the two trade associations, industry suppliers, and customers. The industry's description of the program is contained in Section 16 of the record for this notice.

C. EPA Sampling Data From a Facility Operating Chemical Precipitation Treatment

After proposing the rule, EPA sampled an additional facility operating a chemical precipitation (CP) unit to obtain more data concerning treatment performance that could be used in evaluating appropriate pretreatment standards based on chemical precipitation. The sampling took place during the week of February 9, 1998; a detailed report of the results can be found in the sampling episode report in Section 16 of the rulemaking record. EPA has included this data in recalculating the proposed pretreatment standards for the CP option and in calculations of standards for other options being evaluated. EPA recalculated the standards for all of the proposed regulated parameters using the same methodology as in the proposal. For the proposed CP option, the inclusion of the new data does not change the standards significantly. EPA compared the proposed standards to the recalculated standards and for TPH, the proposed standards were slightly higher than the recalculated standards (e.g., the maximum daily values are 27.5 mg/L versus 21.8 mg/L). For the metals EPA proposed to regulate, the proposed standards were lower than the recalculated standards. For the organics, the proposed standards were higher than the recalculated standards for all except bis (2-ethylhexyl) phthalate and tetrachloroethene. See Section 21 of the record for comparisons of recalculated standards for all of the options and for more detail describing the development.

Following the proposal, EPA received comments stating that the data used to develop the proposed pretreatment standards were not representative of chemical precipitation treatment because the data source was a facility that operated steam tumbling for printer towels, used chemical emulsion

breaking wastewater treatment prior to the chemical precipitation unit, and that the influent levels of the regulated parameters were low. EPA believes the data used for the proposed standards are representative of chemical precipitation treatment for this industry for several reasons. First, the chemical emulsion breaking unit was not operating properly during the sampling episode. Second, the steam tumbling unit was not effectively removing TPH or most of the organic pollutants as demonstrated by comparing data for a steam tumbled load of printer towels to data for a load of printer towels that was not steam tumbled. The steam tumbling unit showed removals for only 6 of the 11 pollutants proposed for regulation, with removal efficiencies ranging from 27 to 91 percent. Third, with respect to the influent levels identified at the chemical precipitation treatment unit being too low, design and operational characterization of chemical precipitation technology can be varied such that the technology is capable of performing at a level that enables a higher influent concentration to be reduced sufficiently to meet the limitations. Finally, the additional chemical precipitation data collected by EPA since proposal confirm that chemical precipitation technology is capable of achieving the effluent pollutant concentrations reflected by the proposed pretreatment standards with much higher influent concentrations of the pollutants.

Commenters also stated that EPA did not account for variability in wastewater concentrations among industrial laundries in setting the limitations. EPA believes it has accounted for variability in wastewater concentrations because the laundries used for developing limits represented facilities with a wide range of items and production reflecting what the industry as a whole launders. In examining priority organics and metals, conventionals, and nonconventional parameters at six facilities operating dissolved air flotation (DAF) or CP units, EPA determined these facilities represented a broad range of influent pollutant concentrations.

Commenters further criticized EPA for basing the TPH (measured as SGT-HEM) on one CP facility data set. EPA recognizes that at proposal, EPA only had data from one CP facility under the current method for SGT-HEM upon which to base the proposed TPH limit under the CP-IL option. In examining TPH concentrations from all five facilities used for proposal, EPA found that DAF and CP treat TPH to approximately the same effluent concentration level regardless of the

concentration in the influent. From an engineering standpoint, EPA would expect this to be the case because both technologies rely on the efficiency of chemical coagulation which can be adjusted for variable wastewater pollutant concentrations through proper selection of coagulants and proper mixing. Since proposal, EPA has evaluated and compared the TPH results from an additional CP facility with those from the CP facility used at proposal and the three DAF facilities. For the three facilities operating DAF systems, the range of 5-day average influent and effluent TPH concentrations were 245–681 mg/L and 10.4–41.4 mg/L, respectively. For the facilities operating CP systems, the range of 5-day average influent and effluent TPH concentrations were 164–2,280 mg/L and <7.20–<10.6 mg/L, respectively. At the newly sampled CP facility, the influent and effluent TPH concentrations were 987 and < 9.35 mg/L respectively, which both fall within the concentration ranges found at the other facilities EPA sampled operating DAF or CP.

Note that EPA does not conclude from the data above that the chemical precipitation treatment systems are necessarily able to achieve lower effluent levels than the DAF facilities since the DAF facilities may not need to operate their treatment system optimally because they are subject to higher local limits. For this reason and based on the data EPA has concerning the comparative performance of DAF and CP, EPA continues to believe that DAF and CP would both constitute BAT and could form the basis for final effluent limits.

D. Total Petroleum Hydrocarbons (TPH) Characterization Study Using Method 1664 and Gas Chromatography/Mass Spectroscopy (GC/MS)

In the proposed rule, EPA used TPH for two different analyses, the passthrough analysis and the cost effectiveness analysis. EPA has further analyzed the constituents of TPH to improve both analyses. Each analysis is discussed in turn below.

As explained in the proposal, to set pretreatment standards, EPA determines whether the pollutant passes through or interferes with the operation of a POTW. In the proposed passthrough analysis, EPA compared the performance of the candidate technology for PSES in removing TPH to the performance of well-operated POTWs achieving secondary treatment in removing TPH. In the proposal, EPA based the TPH removal at POTWs on removals of three n-alkanes. EPA received comments that

this was inappropriate because, according to the commenters, EPA had no data on TPH removals at POTWs and failed to explain its assumption that the three selected n-alkanes are proper surrogates for TPH. In response to these comments, EPA conducted a study to evaluate the TPH parameter in order to identify the constituents comprising the TPH measurement. The study was conducted by sampling the influents and effluents of the DAF and CP treatment units at the facilities used in the proposal options bases, analyzing these samples for TPH and oil and grease (as SGT-HEM and HEM, respectively) using Method 1664 and evaluating the 1664 extracts using gas chromatography and mass spectroscopy (GC/MS) methods. Based on this analysis, several constituents that are part of the TPH measurement were identified. However, only a small portion of the constituents of the TPH measurement could be identified. Results of these analyses are shown in Section 16 of the record for this Notice. Most of the constituents identified in the influent samples are alkanes, as well as naphthalene, bis(2-ethylhexyl) phthalate and 2-methylnaphthalene. These constituents make up approximately 2 percent of the measured SGT-HEM. EPA used the constituents analysis to examine passthrough of the constituents rather than TPH. EPA also received data following the proposal on POTW treatment of TPH. (See Section III below).

EPA received comments on its cost effectiveness analysis criticizing the toxic weighting factor (TWF) used for TPH arguing that it overstated the toxicity of TPH. While cost effectiveness is not required to be analyzed to establish BAT, NSPS, PSES, or PSNS, EPA performs this analysis to compare options. According to the commenters, EPA developed a TWF for TPH based on improper data and calculation procedures and consequently inappropriately inflated the TWF, resulting in an overestimate of the benefits and cost-effectiveness of the proposed rule. As stated above EPA found that only 2% of the constituents are identified and measured by the SGT-HEM method. Based on only 2% of the constituents, EPA estimates an average toxic weighting factor (TWF) for TPH measured as SGT-HEM of 0.009 for the identified constituents. Given the small percentage of constituents identified and measured by this method, EPA questions the usefulness of the cost-effectiveness analysis. EPA

provides details for estimating the TWF in Section 22 of the record.

III. Analysis of Pretreatment Standards for Existing Sources (PSES) Options Identified in the Proposal

A. New Data Related to the Passthrough Analysis of Regulated Parameters Other Than TPH

EPA received data on POTW treatment performance from five separate commenters. These commenters included the industrial laundries trade associations (TRSA and UTSA), the Association of Metropolitan Sewerage Agencies (AMSA), the Hampton Roads Sanitation District (HRSD), the Metropolitan Council Environmental Service (MCES), and the LA County Sanitation District. EPA reviewed these submittals and determined the potential uses and limitations of the data.

UTSA and TRSA provided the *Final Report of Updated Local Discharge Standards for the City of Portland, OR* as an attachment to their comments. Data in this report include historical POTW percent removals over the past 18 years for 15 metals, percent removals for 21 metals during a one-year sampling program, and influent and effluent data for 21 metals based on the one-year sampling program.

AMSA submitted average POTW removal rates for five organic pollutants from seven POTWs in the Metropolitan Water Reclamation District (MWRD) of Greater Chicago. AMSA also submitted average paired influent and effluent data for bulk conventional and nonconventional parameters for nine POTWs in the Hampton Roads Sanitation District (HRSD). These data were also submitted by HRSD in a separate comment. The MWRD data were provided as percent removals, with no individual influent and effluent concentrations presented. The HRSD data do not include any of the pollutants evaluated by EPA in the pass through analysis, and therefore could not be used in calculating POTW percent removals for the pass through analysis.

MCES presented POTW removal rates for metals, BOD, TSS, phenols, toluene, and TPH in the text of the comment submittal. However, data presented are general percent removals and in some cases are estimated. More detailed information on the data submitted can be found in Section 17 of the rulemaking record.

EPA may use the data from UTSA/TRSA (City of Portland) and the data from LA County in the final passthrough analysis. On average, the difference

between the POTW percent removals used in developing the proposal and the City of Portland POTW percent removals is only minor because only for a few parameters was the percent removal used for proposal lower than the percent removal from the City of Portland data set. For metals (copper, lead and zinc), the City of Portland percent removals are close to or slightly lower than those used for proposal. The percent removal for TPH using one day of data from LA County (the day with the highest influent concentration) is 74 percent, compared to 65 percent POTW removal for TPH used in the proposed rule. This value is still significantly lower than the 94–98 percent removals determined for the pretreatment technologies.

B. TPH (measured as SGT-HEM) as an Indicator

Commenters stated that TPH is well treated by POTWs or does not pass through and thus should not be regulated. EPA believes that whether the final passthrough analysis shows pass through or not, that TPH is a good indicator that pretreatment standards will affect removals of significant pounds of toxic and nonconventional pollutants. In addition, the variability of a relatively inexpensive monitoring method for TPH justifies regulating TPH rather than the host of pollutants controlled by a limitation on TPH.

IV. Results of Analyses of Proposed and Newly Acquired Data With Respect to Various Comment Issues

A. Towel Only Option (Modified Heavy Option)

During the comment period, some commenters indicated that EPA should consider regulating only facilities that launder shop and printer towels, because these items have the highest pollutant loadings of all items laundered by industrial laundries. In the proposal, EPA evaluated “heavy” options based on the use of DAF and CP technologies. The heavy options treated the heavy wastewater stream which consisted of shop towels, printer towels, mops, filters, and fender covers. As a result of the comments, EPA is evaluating and soliciting comments on a modified heavy option that would require only facilities that launder shop towels, printer towels, furniture towels, or other industrial towels/rags to meet the proposed standards (“Towel Only Option”). The Towel Only option is based upon treating only the wastewater from laundering industrial towels, then mixing the treated wastewater with other wastewater from laundering all

other items prior to monitoring and discharge from the facility.

The modified option is based on using DAF technology to set the standards since EPA does not have treatment performance data characterizing chemical precipitation treatment of only shop and printer towels. EPA considered the same methodology as in the proposed rule to calculate pretreatment standards for this option and these calculated numbers are presented in Section 21 of the record.

The total estimated capital cost for the Towel Only option is \$179 million (1997 dollars) and the annual operating and maintenance cost is \$72 million, for a total annualized pretax cost of \$91.1 million per year (1997 dollars) (posttax cost of \$62.0 million per year). This is significantly less than the estimated annualized compliance costs for the CP-IL and DAF-IL options discussed in the proposed rule, which were \$136.4 million per year pretax (\$93.9 million per year posttax) and \$176.8 million per year pretax (\$118.6 million per year posttax), respectively (adjusted to 1997 dollars). Under the Towel Only option, 1,333 facilities would be covered by the rule, while under the proposed CP-IL or DAF-IL options 1,606 facilities would be covered by the rule. The recalculated pollutant removals for the Towel Only option would be 28,000 toxic-weighted pounds per year, taking into consideration treatment by POTWs. This is a reduction from the 51,000 toxic weighted pounds per year for the proposed CP-IL option (These numbers reflect the revised TWF for TPH). EPA believes that the Towel Only option would reduce the economic impacts of the rule. EPA is today soliciting comments on the Towel Only option.

EPA investigated the potential economic impacts of the Towel Only option and found that the option would be economically achievable and would improve the impacts discussed in the proposal. The analyses were run assuming no other special exclusions such as the proposed exclusion for facilities laundering less than 1 million pounds of total laundry and less than 255,000 pounds of shop towels) applied and assuming the worst-case scenario that no compliance costs could be passed through to customers. As a result of this preliminary analysis, given the costs currently estimated for the Towel Only option, EPA estimates that this option would result in a maximum of 32 facilities closing as a result of compliance costs. This is 2 percent of all facilities in the facility-level analysis and 2.4 percent of all in-scope facilities.

EPA estimates a total direct job loss of 361 full time equivalents (1 FTE= 2,080

hours) as a result of the facility closures projected under this option. Total direct, indirect, and induced losses throughout all sectors of the economy total 621 FTEs. The employment losses associated with closures overstate actual net losses to the industry, because some employment gains in the industry will occur (although the gains may not occur in the same geographic location or at the same time as the losses). These gains include operators of pollution control systems that might be hired and additional labor to expand some production at facilities located in market areas with facility closures (lost production from closures is estimated to exceed the amount of the reduction required to meet market equilibrium conditions). Under the assumptions about production losses and employment gains expected to occur as a result of the rule, as outlined in the economic analysis for the proposal, EPA estimates the actual net losses in the industrial laundries industry would be 212 FTEs lost (0.16 percent of total industry employment), considerably less than the number of direct losses predicted solely on the basis of closures.

In addition to these closures, EPA predicts this option would affect the ability of a maximum of 44 firms (all of which are single-facility firms) to raise the capital needed to purchase and install the pollution control equipment. This impact may result in the loss of financial freedom for these firms, up to and including the sale of the firms to larger multifacility firms. This impact does not mean that these firms will close; all these firms are viable at the facility level and are thus considered likely to be of interest to other firms for acquisition and possible continued operation.

The failure- and closure-based employment loss results indicate that the direct losses at closing facilities and failing firms (under the worst-case assumption that failing firms might close) total a maximum of 1,186 full-time equivalents (FTEs), or about 0.9 percent of total industry employment. Total direct, indirect and induced employment losses throughout the economy total a maximum of 2,040 FTEs. These losses do not include likely employment gains in the industry and in the U.S. economy due to the need to manufacture, install, and operate pollution control equipment. If gains are accounted for, there will most likely be small gains in employment in the nonclosing facilities and nonfailing firms and net gains in employment in the U.S. economy.

EPA has also performed an economic impact analysis for the industrial

laundries industry to compare the impacts of the Towel Only option with the Chemical Precipitation (CP-IL) and Dissolved Air Flotation (DAF-IL) options. Note that the options that were discussed at proposal (CP-IL and DAF-IL) reflect an exclusion for facilities processing less than 1 million pounds of total laundry and less than 255,000 pounds of shop towels/printer rags, whereas the Towel Only Option reflects a reduced scope which only covers facilities that launder only shop towels/printer rags with no such similar production cutoff. Under a zero cost pass through assumption, the CP-IL option is estimated to result in 5 facility closures and 85 single-facility firm failures (i.e., production ceases under closure; production continues under failure). No multifacility firms fail under any option. The DAF-IL option is estimated to result in 35 facility closures and 85 single-facility firm failures. The closure numbers for the DAF-IL and CP-IL options under zero cost pass through are different from those that were presented at proposal due to an updated financial data element for one facility. This facility has a survey weight of 31. In follow up to the economic analysis presented in the proposal, EPA found that data submitted by this facility for one data element for one year was an extreme outlier, not only compared to the other two years of data submitted by the same facility, but also compared to data submitted by other facilities in the same strata. Furthermore, other financial information in the survey did not support the data point reported. This update resulted in 31 fewer facilities estimated to close under each of the two options discussed at proposal.

Because these analyses assume that no compliance costs would be passed through to customers, EPA considers this a worst-case scenario and believes that, for all options and cutoffs, the impacts will be considerably less than those estimated. See pages 5-9, 5-10 and Appendix A from the economic assessment (EA) of the proposed rule.

EPA is also considering an exclusion in the Towel Only option, such that facilities laundering small amounts of industrial towels per year would be exempt from the rule, including reporting and monitoring requirements. The exclusion would be based on laundering a certain number of pounds of industrial towels per year. Facilities laundering more than that amount in any year would no longer be excluded from the rule. EPA is soliciting comment on a low production exclusion for the Towel Only option.

EPA considered five low production cutoffs (4,800 pounds of industrial towels, 26,000 pounds of industrial towels, 31,300 pounds of industrial towels, 42,000 pounds of industrial towels, and 52,000 pounds of industrial towels) in its analysis. For these cutoffs, EPA estimated the posttax annualized costs (1997 dollars) to be \$60.9 million, \$58.8 million, \$50.0 million, \$48.9 million, and \$ 48.2 million, respectively. EPA also estimates 32 facilities closing as a result of compliance costs for the 4,800 pound cutoff. For the remaining cutoffs, EPA estimates a maximum of 25 facilities might close as a result of incurring compliance costs. These low annual production cutoffs within the Towel Only option would also affect the ability of a maximum of 44 firms (all of which are single-facility firms) to raise the capital needed to purchase and install the pollution control equipment for all but the 52,000 pound cutoff, which would affect only 13 firms. For the 4,800 pound cutoff, direct losses at closing facilities total a maximum of 361 FTEs, or about 0.3 percent of total industry employment, and direct losses at closing facilities and failing firms total 1,186 FTEs (0.9 percent of total industry employment). For the remaining four cutoffs, EPA estimated direct losses at closing facilities of a maximum of 246 FTEs, or about 0.2 percent of total industry employment. EPA estimated direct losses at closing and failing firms of a maximum of 1,071 FTEs (0.8 percent of total industry employment) for three of the remaining four cutoffs and 606 FTEs (0.5 percent of total employment) for the last cutoff.

In addition to these potential cutoffs, EPA is continuing to investigate additional exclusions that would further mitigate impacts of the rule. These additional exclusions might be used with or in place of the various cutoffs used above. Examples of exclusions EPA is considering include an exclusion for facilities, or possibly single-facility firms only, who are exclusively industrial launderers (that is, they undertake no other business at that firm or facility) and who process less than 1 million pounds of laundry per year. EPA also is considering a revenue exclusion. Under this approach, facilities, or, more likely, single-facility firms, would be excluded if their revenues are less than \$1 million annually.

A somewhat higher cutoff for pounds of industrial towels might also be considered. EPA solicits comments on these additional potential exclusions.

B. Clean Room Items

As part of comments on the proposed rule, EPA received data on clean room items. The term "clean room items" refers to specialty items used in particle- and static-free environments by computer manufacturing, pharmaceutical, biotechnology, aerospace, and other customers to control contamination in production areas. EPA evaluated the data and determined that the concentrations of pollutants found in clean room item wastewater were lower than the concentrations found in wastewater from most other items defined as industrial laundry items in the proposed rule, and the characteristics of the clean room wastewater were similar to linen supply laundry wastewater. Thus, the data support the removal of clean room items from the definition of industrial textile items, which would exclude laundering of clean room items from the scope of the regulation. The clean room data are presented in Section 17 of the record.

C. Summary of 1998 Data Collected by UTSA and TRSA

Since the publication of the proposed rule, the industrial laundries trade associations, the Uniform and Textile Service Association (UTSA) and the Textile Rental Services Association (TRSA), have performed a survey of all facilities that were sent an EPA 1993 detailed questionnaire. The purpose of the survey as stated by UTSA and TRSA was to provide EPA with updated data to calculate new baseline information on the industry, because the EPA questionnaire data are for the 1993 operating year. Of the 193 facilities that EPA used to model compliance costs and pollutant loading reductions for the proposed rule, 165 responded to the UTSA/TRSA survey. EPA has performed a preliminary review of the data from the survey. To conduct this review, EPA compared, for each facility, the treatment system description contained in the UTSA/TRSA survey to the treatment system components reported in the EPA 1993 detailed questionnaire. Treatment system descriptions reported in the UTSA/TRSA questionnaire did not include design parameters, and often did not include the portion of the wastewater treated by the system. Based on this review, EPA has made several assumptions to use the data the trade associations provided in estimating compliance costs and pollutant removals discussed below.

In general, the trade association data show that 18 facilities that did not have

treatment at the time of EPA's 1993 detailed questionnaire now have installed wastewater treatment for all or part of their wastewater flow. Most facilities that have installed treatment since 1993 (13 of 18) have installed dissolved air flotation. Other types of treatment installed include two facilities that have installed chemical emulsion breaking, two facilities that have installed chemical precipitation, and one facility that may have installed biological treatment. In addition, some facilities have changed their main treatment technology since 1993: four facilities have changed from chemical precipitation to dissolved air flotation, one facility changed from chemical emulsion breaking to dissolved air flotation, and one facility changed from ultrafiltration to chemical emulsion breaking. To incorporate the most accurate facility level information into the baseline for compliance costs and pollutant loadings calculations, EPA would have to perform extensive follow up with the facilities to obtain more detailed information on production, treatment, and financial status. Because EPA is under a court order to take final action on this rule by June of 1999, EPA does not have sufficient time for such follow up. However, in order to utilize the data in some capacity, EPA has performed estimated calculations of the changes in compliance costs and pollutant removals that would occur if the baseline were changed to incorporate the trade association data given certain assumptions in order to use the data. To calculate the changes in compliance costs and pollutant removals, EPA made the following assumptions when reviewing the UTSA/TRSA survey data:

- For facilities that reported that they treat a portion of their wastewater and did not indicate the percentage of wastewater treated, EPA assumed that they are treating only a small portion of their total wastewater.
- For facilities that reported DAF, chemical precipitation, or chemical emulsion breaking treatment, EPA assumed that the facility is operating these systems in a manner equivalent to the treatment technology options costed.
- For facilities that provided treatment system descriptions that were not detailed enough for EPA to make judgement regarding the treatment system, EPA assumed that they are still operating the treatment system reported in the 1993 detailed questionnaire.
- For a facility that reported possible biological treatment, EPA assumed that it does not have treatment in place equivalent to any of the treatment technology options.

- For a denim prewash facility that operated a partial treatment system, EPA assumed that it treats wastewater from all items except for the denim prewash, which is not included in the scope of the rule.

- EPA did not reduce costs to reflect for ancillary treatment technologies (e.g., screens, filter presses, equalization tanks); added since the 1993 detailed questionnaire.

- EPA did not make any changes in the 1993 baseline year in the costs for ten facilities that reported closing or rebuilding since 1993.

- For facilities that reported that they planned to install treatment systems in the future, EPA assumed that they are still operating the treatment system reported in the 1993 detailed questionnaire.

EPA solicits comments and additional data that would shed light on the validity of these assumptions.

Based on these revisions since proposal, for the proposed CP-IL option, total capital and annual costs for the 1,606 industrial laundry facilities covered by the proposed rule would decrease by \$17 million and \$6.7 million per year, respectively (1997 dollars). The corresponding toxic weighted pollutant removals would decrease by 124,000 pound equivalents per year. For the proposed DAF-IL option, total capital and annual costs for the 1,606 industrial laundry facilities covered by the proposed rule would decrease by \$100 million and \$11 million per year, respectively. The corresponding toxic weighted pollutant removals would decrease by 135,000 pound equivalents per year.

V. Solicitation of Data and Comments

In addition to soliciting comments and data relating to any of the material presented in this notice, EPA is interested in receiving comments and data regarding a number of specific issues which are discussed below. In commenting or providing data with respect to a specific issue, commenters should refer to the specific issue which the comments address.

A. Additional Data To Support Comments Received on the Proposed Rule

As presented in Section II of this Notice, EPA received 302 individual comment submittals on the proposed rule. Of these 302 submittals, only 38 commenters (88 data submittals) provided data that supported their claims. Many commenters stated that EPA underestimated compliance costs and that EPA overestimated the treatment performance of chemical

precipitation and DAF. However, many commenters did not present data to substantiate these claims. Without additional data to support these claims, EPA will rely on data obtained prior to proposal (vendor quotes, previously submitted cost data, and sampling data) and data acquired since proposal through EPA's data collection activities to determine compliance costs and treatment performance.

In order to obtain data to support unsubstantiated comments made on the proposed rule, EPA contacted some commenters directly to request additional information. EPA developed a set of four questions that requested specific information required by EPA to incorporate the commenter's information into the final rule. In compliance with the Paper Work Reduction Act, EPA was only able to send letters to nine commenters that submitted unsubstantiated comments. The methodology used to select these nine commenters and copies of the letters sent to each of the commenters are presented in Section 14.6.1 of this rulemaking record. As of November 20, 1998, EPA has received responses from four of these commenters.

Because EPA was limited in the number of substantiation letters that could be sent directly to commenters, EPA is at this time requesting information from additional commenters who submitted unsubstantiated comments. Commenters indicating that EPA underestimated compliance costs or treatment performance are requested to provide specific cost or performance data to support those claims. Additional details on the information requested by EPA are provided below.

B. Compliance Cost Estimates

EPA received numerous comments on proposal indicating compliance costs were underestimated. At this time, EPA is requesting additional information from industry on costs for installing wastewater treatment systems in industrial laundries. Ideally, EPA requests that the data submitted be presented in the format used in the attachments to the substantiation letters. (These attachments can be found in Section 14.6.1 of the rulemaking record.) This format will allow EPA to fully analyze and incorporate industry data. At a minimum, EPA requests that capital costs be broken down in terms of treatment system equipment costs, installation costs, delivery costs, accessory costs (e.g., probes), instrumentation, piping, contractor fees, pumps, construction of buildings or other structures to house major

treatment units, and engineering costs. EPA requests that annual costs be broken down into the following components, if available: chemical costs, electric costs, operation and maintenance (O&M) labor costs, O&M material costs, and residual disposal costs. EPA also requests that general data pertaining to the relevant facility be supplied. This includes a detailed description of the treatment system (average operating days per year and hours per day, treatment system unit descriptions and capacities, average wastewater flows in and out of treatment units, chemical addition type and location) and general production data for the facility (include total annual production and a breakdown of annual production by item type).

C. Treatment Performance Data

EPA received several comments indicating that the treatment performance of both chemical precipitation and DAF were overestimated. EPA's sampling data indicate that chemical precipitation can treat to the proposed standards. However, in order to obtain more data, EPA is requesting data on the treatment performance of chemical precipitation and DAF. EPA is particularly interested in the treatment performance of chemical precipitation and DAF technologies treating only industrial towel (shop, furniture and/or printer towel) wastewaters.

EPA requests commenters provide any monitoring data (from self-monitoring or POTW monitoring) that has not been previously submitted. Data of particular use to EPA include paired influent and effluent data related to chemical precipitation and DAF or, if these data are not available, provide paired influent and effluent data for each overall treatment system. In addition, commenters should provide a copy of local limits and/or monitoring requirements including analytical methods used and method detection limits for any non-detect values.

In order to fully evaluate the treatment performance data and the appropriateness of its inclusion in the development of the final rule, EPA requests that commenters provide information concerning each wastewater treatment system design and each facility's laundry production. Ideally, EPA requests that supporting data be provided in the format requested in questions 1 and 2 of the attachments to the substantiation letters. These attachments are found in Section 14.6.1 of the rulemaking record. At a minimum, EPA requests that general data pertaining to the commenter's

facility be supplied. This includes a detailed description of your treatment system (average operating days per year and hours per day, treatment system unit descriptions and capacities, average wastewater flows in and out of treatment units, chemical addition type and location) and general production data for the commenter's facility (including total annual production and a breakdown of annual production by item type).

D. Passthrough Analysis

EPA received a number of comments on its proposal to reconsider the data used for the publicly owned treatment works (POTW) passthrough analysis. The Agency solicits influent and effluent pollutant concentration data from POTWs operating secondary treatment. These data may be used in recalculating POTW passthrough. EPA is particularly interested in any treatment data for total petroleum hydrocarbons (TPH measured as SGT-HEM) measured using the proposed EPA Method 1664, however EPA also solicits data resulting from existing (Freon extraction) methods. While this is not the current method, this data still provides essential information about performance. Commenters should provide monitoring data, the portion of the total wastewater treated at the POTW that is industrial (percentages and flow rates), the number of industrial laundries currently discharging to the POTW and the approximate flow rates of these laundries. In addition, provide the sample date, the number of sampling points, and detection limits for data below the detection limit in order to fully evaluate the data.

E. Volatile Organic Treatment Technologies Used at Industrial Laundries

At proposal, EPA analyzed the treatment performance and cost effectiveness of volatiles control by steam tumbling printer towels prior to water washing. At this time, EPA is requesting additional data on volatiles control. This includes data on steam tumbling, carbon adsorption, air stripping followed by a scrubbing device, and filtration of water streams through sand or diatomaceous earth. Commenters should provide treatment performance data, including paired influent and effluent data, and corresponding flow and production data. They should also provide, where available, the costs associated with implementing the treatment technology. Ideally, EPA requests that the data be provided in the format requested in the attachments to the substantiation letters.

These attachments are found in Section 14.6.1 of the rulemaking record. At a minimum, EPA requests that capital costs be broken down in terms of treatment system equipment costs, installation costs, delivery costs, accessory costs (e.g., probes), instrumentation, piping, contractor fees, pumps, construction of buildings or other structures to house major treatment units, and engineering costs. EPA requests that annual costs be broken down into the following components, if available: chemical costs, electric costs, operation and maintenance (O&M) labor costs, O&M material costs, and residual disposal costs. EPA also requests that general data pertaining to the commenter's facility be supplied. This includes a detailed description of the treatment system (average operating days per year and hours per day, treatment system unit descriptions and capacities, average wastewater flows in and out of treatment units, chemical addition type and location) and general production data for the facility (include total annual production and a breakdown of annual production by item type).

F. Pollution Prevention Activities

EPA proposed a no regulation option at the time of proposal. If EPA decides to go forward with the no regulation option, EPA may require specific pollution prevention/reduction activities to be implemented at industrial laundry facilities. EPA is soliciting information on in-process pollution prevention activities designed to minimize the level of pollutants in the influent at industrial laundries. Commenters should provide a description of the pollution prevention activity and information on the pollutant reduction due to implementation of this practice.

EPA also solicits comment on whether a best management practice (BMP) option, in lieu of an end-of-pipe regulation using any of the previously identified options controlling organic compounds, should be promulgated. This option would require control of organic solvents prior to the wash cycle by treating industrial towels only. In this case, the BMP could specify a certain technology (e.g., centrifuges, hydraulic presses, mechanical wringers) in lieu of a performance standard and could be used in conjunction with the industry's proposed voluntary program.

G. Space Limitations and New Building Costs for Industrial Laundries

EPA received several comments indicating that space requirements and expansion costs for industrial laundries

were underestimated. EPA is soliciting comments and data from industrial laundry facilities that in the past five years have installed pretreatment equipment that required them to either purchase additional land and/or construct a building to house pretreatment equipment. For facilities that purchased additional land to install pretreatment equipment, please provide information on the amount of land purchased, the cost of the land, and the location of the facility. For facilities that constructed buildings to house pretreatment equipment, please provide a detailed description of the building (including size, construction materials, and any additional uses of the building) and a detailed cost breakdown (including construction costs, secondary containment costs, HVAC costs, etc.).

H. Alternative Approach to "No Regulation" Option

EPA has received from UTSA and TRSA a proposal that would serve as an alternative to the pretreatment standards proposed by EPA. This document, which is available in Section 16 of the public record for this rulemaking, outlines a voluntary multi-media environmental improvement and pollution prevention program. The program contains five elements: (1) The establishment of industry-wide program goals; (2) a statement of environmental principles; (3) a menu of specific voluntary initiatives; (4) an implementation plan; and (5) a system for assessing program performance. EPA solicits comment on whether this program or some combination of elements of this program should take the place of the final rule, or be part of an option for those facilities excluded from numeric standards based on some sort of size cutoff to embark upon in place of complying with standards contained in the final rule. EPA has also received comments supporting EPA to go forward with the promulgation of pretreatment standards for this industry. These comments can be found in Section 14 of the record.

Dated: December 16, 1998.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 98-34037 Filed 12-22-98; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Parts 514 and 530

[Docket No. 98-30]

Service Contracts Subject to the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission ("Commission" or "FMC") proposes to revise its regulations governing service contracts between shippers and ocean common carriers to reflect changes made to the Shipping Act of 1984 ("1984 Act"), the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998). Specifically, the Commission proposes to revise its regulations implementing section 8(c) of the 1984 Act and create a new regulation which would govern only service contract filings. The Commission is proposing to establish new rules for service contract filing and essential terms publication, revise its regulations to include the newly permitted agreement and multiple shipper-party service contracts, and make other conforming changes. The Commission is also proposing an electronic filing system for service contracts which is intended to reduce the filing burden on parties and accommodate the efficient processing and review of what is predicted to be a large number of filed contracts.

DATES: Submit comments on or before January 22, 1999.

ADDRESSES: Address all comments concerning this proposed rule to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001.

FOR FURTHER INFORMATION CONTACT: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5740

Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5796

SUPPLEMENTARY INFORMATION: The Ocean Shipping Reform Act of 1998, Pub. L. 105-258, 112 Stat. 1902 ("OSRA") was signed into law on October 14, 1998. OSRA makes several changes to the existing system by which the Federal Maritime Commission ("FMC" or "Commission") regulates ocean shipping in the foreign commerce of the